IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.M-175 OF 2006
IN
FAMILY COURT APPEAL NO.115 OF 2006

Smt.Vimal Shanubhai Patil .. Applicant

Vs.

Smt.Savita Shanu Patel & Anr. .. Respondents

Mr.C.S.Patil h/f Mr.I.S.Thakur and Mr.S.S.Sayed for the applicant

Mr.J.B.Kocheta for respondent no.1

Ms.Alka Pawar for respondent no.2

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 30TH JULY, 2007

P.C.:

1. Heard.

2. In view of the fact that the appellant has preferred this appeal impugning the Judgment, Order and Decree of the Family Court, in the given peculiar facts and circumstances, the impugned Judgment, Order and Decree deserves to be stayed.

Therefore, we allow the application in terms of prayer clause (a).

3. In so far as the relief sought for by the applicant in terms of prayer clause (b) is concerned, as the applicant is not residing with the respondent in the matrimonial house from last 3 years, in our view it will not be proper to grant the relief of mandatory nature as sought for by the applicant at this stage. Therefore, the relief sought for in prayer clause (b) is rejected.

4. Application stands disposed of accordingly.

(J.N. PATEL, J)

(A.A. SAYED, J)